

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-MC-88-FDW-DSC**

SUNENERGY1, LLC,)	
)	
Petitioner,)	
)	<u>ORDER</u>
v.)	
)	
JANNA HALL,)	
)	
Respondent.)	

THIS MATTER is before the Court on SunEnergy1, LLC’s “Motion ... to Quash Subpoena to Robert W. Taylor ...” (document #1) and Respondent’s “Motion to Compel ...” (document #7), as well the parties’ briefs and submissions.

On May 6, 2015, Respondent, who is the Plaintiff in the underlying action Janna Hall v Kenny Habul, Civil Action No. 3:13cv406, pending in the United States District Court for the Middle District of Louisiana, served a Subpoena Duces Tecum on Robert W. Taylor. Taylor is a certified public accountant in North Carolina who provided accounting services to Habul, his wife Kimberly Habul, and some of Habul’s businesses, including SunEnergy1, LLC. The Subpoena seeks documents in Taylor’s possession that relate to SunEnergy1, including all of the company’s communications, financial records, and tax returns. SunEnergy1 is not a party to the underlying action.

That case is set for bench trial on August 31, 2015 as to the issue of Respondent’s claim for an accounting from Habul. United States District Judge Shelly Dick has held that the “need for further proceedings, if any, shall be determined following the outcome of the bench trial.”

Having reviewed the record, the parties' arguments, and the authorities, this Court concludes that the Subpoena seeks information that may be relevant if Respondent's claim for an accounting is allowed. Accordingly, the Subpoena is premature. For this reason, SunEnergy1, LLC's "Motion to Quash Subpoena to Robert W. Taylor" (document #1) is granted without prejudice to Respondent's right to re-serve the Subpoena should she prevail on her claim for an accounting. For the same reason, Respondent's "Motion to Compel ..." (document #7) is denied without prejudice.

The parties will bear their own expenses at this time.

The Clerk is directed to send copies of this Order to counsel of record; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: June 30, 2015



David S. Cayer
United States Magistrate Judge
